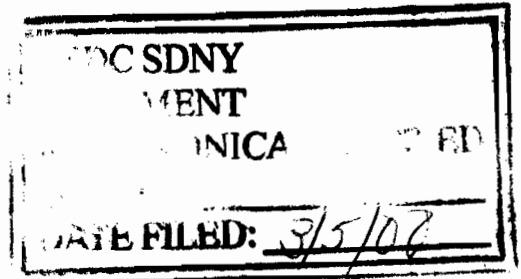


THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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March 4, 2008

**BY HAND DELIVERY**

Honorable Theodore H. Katz  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street, Room 1660  
New York, New York 10007

**NO ENDORSE**

Re: James Lee Ricks v. C.O. Perry, et. al., 07-CV-8841 (LTS) (THK)<sup>1</sup>

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that the Court allow defendant Correction Officers Perry, Shield No. 13220, and Scantlebury, Shield No 11892, to file the annexed answer to the complaint.<sup>2</sup>

As an initial matter, I apologize to the Court and plaintiff for this late request. However, a check of the docket sheet indicates that it was not until February 13, 2008 that the U.S. Marshalls filed process receipts indicating that defendants Perry and Scantlebury were

<sup>1</sup> This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

<sup>2</sup> Upon information and belief, the correct spelling of the last name of the individual identified in the caption of the complaint as "Officer Scantabury" is Scantlebury.

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TO COUNSEL OF RECORD ON 3/5/08

served with process on January 22, 2008 and accordingly, that their answers were due on February 11, 2008.<sup>3</sup>

This Office did not learn of the U.S. Marshalls service of process on these defendants until recently checking the docket sheet. However, by the time that the U.S. Marshalls filed the receipts of service, the defendants answers were already past due. Thereafter, this Office acted as quickly as possible to contact the officers and confirm that service had been effected on them and conducted the mandatory representational interviews pursuant to N.Y.C.P.L. § 50-K.

Accordingly, for the reasons set forth herein, this Office respectfully requests that the Court allow defendants Scantlebury and Perry to file the annexed answer to the complaint.

I thank Your Honor for considering the within request.

Respectfully submitted,



Sabrina Tann (ST 2552)  
Assistant Corporation Counsel  
Special Federal Litigation Division

*The request is granted.*

cc: James Lee Ricks (#241-06-08006)  
Pro Se Plaintiff  
George R. Vierno Center  
09-09 Hazen Street  
East Elmhurst, New York 11370  
(By First Class Mail)

**SO ORDERED**

*3/5/08*



THEODORE H. KATZ  
UNITED STATES MAGISTRATE JUDGE

<sup>3</sup> The docket sheet also indicates that the U.S. Marshalls did not execute service of process on the individual identified in the caption of the complaint at "Captain Emmens."